

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA

CHE BLANKS and MARIEL BLANKS,

Plaintiffs,

vs.

Civil Action No. 2:19-cv-00448

MCGUIRE LUMBER AND SUPPLY, INC.,  
CANADA TRUCKING L.L.C. and  
TINA GRISSOM EVANS,

Defendants.

**NOTICE OF REMOVAL**

AND NOW, come Defendants McGuire Lumber and Supply, Inc. and Canada Trucking L.L.C. by and through their attorneys, Timothy R. Smith, Esquire, Timothy A. Montgomery, Esquire and Pion, Nerone, Girman, Winslow & Smith, P.C., and remove the above-captioned lawsuit pursuant to 28 U.S.C. §1441 *et seq.* from the Circuit Court of Kanawha County, West Virginia (Civil Acton No. 19-C-471) to the United States District Court for the Southern District of West Virginia, and in support thereof aver as follows:

1. Plaintiffs initiated this lawsuit in the Circuit Court of Kanawha County, West Virginia at Civil Action No. 19-C-471. Copies of all process, pleadings and Orders served upon the Defendants are attached hereto as Exhibit “A”. A copy of the State Court Docket is attached hereto as Exhibit “B”.

2. The Complaint names as Defendants McGuire Lumber and Supply, Inc., Canada Trucking L.L.C. and Tina Grissom Evans and alleges that on May 12, 2017 Defendants’ negligence caused a motor-vehicle accident that resulted in personal injuries to the Plaintiffs.

3. According to the Complaint, Plaintiffs allege substantial and permanent injuries, pain of body and mind, mental anguish, emotional distress, loss of enjoyment of life, medical expenses, loss of wages, earning capacity and other employment related benefits, loss of ability to perform household services and all other losses and damages, both in the past and in the future. (Complaint, ¶ 25.)

4. Although not explicitly detailed in the Complaint, one medical bill for Plaintiff Mariel Blanks is in the amount of One Hundred Twenty-Thousand Four Hundred Sixty-Nine and 45/100 (\$120,469.45) Dollars for medical service from June 29, 2018 through July 3, 2018. A copy of said medical bill will be provided to the Court upon request but has not been attached hereto due to the Plaintiff's privacy interest. Plaintiff is requesting reimbursement for medical expenses in the Complaint. (Complaint, ¶ 25, 33, 36).

5. In addition to compensatory damages, the Plaintiffs are seeking to recover punitive damages on the basis that Defendants' conduct was allegedly willful, wanton, reckless and/or grossly negligent. (Complaint, ¶¶ 35, 37.)

6. The Plaintiffs are residents of Euclid, Ohio. (Complaint, ¶ 1.)

7. Defendant McGuire Lumber and Supply, Inc. is a corporation organized and existing under the laws of the Commonwealth of Virginia. (Complaint, ¶ 2.)

8. Defendant Canada Trucking L.L.C. is a limited liability company organized and existing under the laws of the Commonwealth of Virginia. (Complaint, ¶ 5.)

9. The third-named Defendant is Tina Grissom Evans, who is unfortunately deceased, but while she was living she was a resident of the Commonwealth of Virginia.

10. Upon information and belief, Plaintiffs have not effectuated service of the Complaint against Ms. Evans' Estate, if an Estate has been opened. (Complaint, ¶ 8.)

11. The above-captioned action is within the jurisdiction of the United States District Court for the Southern District of West Virginia.

12. The United States District Court for the Southern District of West Virginia has original jurisdiction over this action pursuant to 28 U.S.C. §1332 inasmuch as the matter in controversy exceeds the sum of Seventy-Five Thousand (\$75,000) Dollars, exclusive of interest and costs, and is between citizens of different states.

13. This action is removable from the Circuit Court of Kanawha County, West Virginia, pursuant to the provisions of 28 U.S.C. §1441 *et seq.*

14. Concurrent with the filing of this Notice of Removal, Defendants have filed a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Kanawha County, West Virginia advising that they have removed this action to the United States District Court for the Southern District of West Virginia.

15. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may assert in this action

WHEREFORE, Defendants McGuire Lumber and Supply, Inc. and Canada Trucking L.L.C. respectfully pray that this Honorable Court remove the above-captioned case from the Circuit Court of Kanawha County, West Virginia to the United States District Court for the Southern District of West Virginia.

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW  
& SMITH, P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon all parties,  
via email, this 12th day of June, 2019, as follows:

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